

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA; the STATES
of CALIFORNIA, DELAWARE, FLORIDA,
HAWAII, ILLINOIS, INDIANA, IOWA,
MASSACHUSETTS, MINNESOTA,
MONTANA, NEVADA, NEW JERSEY, NEW
MEXICO, NORTH CAROLINA, RHODE
ISLAND, TENNESSEE, VERMONT, and
VIRGINIA; and the DISTRICT OF COLUMBIA,
CITY OF CHICAGO, COUNTY OF
BROWARD, and COUNTY OF MIAMI-DADE
ex rel. John Kurzman,

Plaintiffs,

v.

MICROSOFT CORP., *et al.*,

Defendants.

19 Civ. 4270 (LGS)

FILED UNDER SEAL

THE GOVERNMENT’S NOTICE OF DECISION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America (the “Government” or the “United States”), by its undersigned attorney, hereby respectfully notifies the Court of its decision not to intervene in the above-referenced *qui tam* action.

Although the United States declines to intervene in this action, the United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain his action in the name of the United States, provided, however, that the complaint “may be dismissed only if the court and the Attorney General give written consent to the dismissal and

their reasons for consenting.” *Id.* Therefore, the United States respectfully requests that in the event that the relator or any defendant seeks to dismiss, settle, or otherwise discontinue this action, the Court shall require the party or parties proposing such relief to solicit the written consent of the Government before applying for Court approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings and briefs filed in this matter be served upon the United States. The United States also requests that the Court direct relator’s counsel to serve on the United States any orders issued by the Court. The United States reserves its right to order the transcript of any depositions taken with respect to the allegations in the relator’s complaint. The United States also reserves its right to intervene with respect to the allegations in the relator’s complaint, for good cause, at a later date, and to seek the dismissal of the relator’s action.

The United States also requests that it be served with any notices of appeal.

A proposed order accompanies this notice.

Dated: New York, New York
August 10, 2022

Respectfully submitted,

DAMIAN WILLIAMS
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Southern District of New York

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